



## Lamoine Board of Selectmen

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### Minutes of Workshop Meeting – April 16, 2013

Selectboard chair Jo Cooper called the meeting to order at 7:00 PM

Present were Selectmen S. Josephine Cooper, Cynthia Donaldson, Bernie Johnson, Gary McFarland, Nathan Mason; Administrative Assistant Stu Marckoon, Planning Board Members Gordon Donaldson, Jim Gallagher, John Holt, Don Bamman, Perry Fowler, Charles Weber; members of the public Steve Salisbury, Laurence (Lolly) Lovett, Carol Korty, Larry Libby, Faith Perkins, Valerie Sprague, and Paul MacQuinn

Jo said members of the public are welcome to listen, but the purpose of the meeting between the two boards was not a public hearing. She said it was brought about a little earlier than usual because of the town meeting. She said the boards are aware of public concern, but because of the lawsuit recently filed, there will not be any discussion about the gravel ordinance. She said the meeting is not open for public discussion. She encouraged folks with concerns to submit them in writing, and said gravel is not on the agenda.

The members of both boards introduced themselves.

**Goals & Tasks** – John Holt said it appears the Planning Board has a very busy agenda to get through in the next year. He said there will be 8-to-9 gravel permit applications to process, which will test out the new ordinance. He said the board is still in the midst of a large gravel application, and they await the outcome of a lawsuit. He said those items will likely take all of the board's time.

Rev. Holt said the board would also try to move forward possible ordinance changes based on the outcome of the MUBEC advisory vote taken in March. He said the town has to be concerned about language currently in the ordinance and get used to living without a local building code, other than referencing the state building code. He said the board is also likely to revisit the gravel ordinance. Stu cautioned the boards that the town attorney as advised against any discussion of the gravel ordinance given the recently filed lawsuit.

Jo said she would like to hear about some other issues. Don Bamman said the Planning Board spends a lot of time reviewing applications and it's difficult to find time to do actual planning. Jo said that always seems to be a huge concern and noted the town does not employ a professional planner. Rev. Holt said the Planning Board is charged to act on applications. He said that probably the Comprehensive Plan might be the document to envision the town's future, or that might be the role of the Selectmen.

Gordon Donaldson said the Planning Board conducted a taxpayer survey a few years ago and got a good response. He said it was a small effort to find out the local sentiment about commercial building. He said there has been some sentiment about

rethinking the zoning of the town in terms of waterfront commercial development. He said the Comprehensive Planning process could tap into that survey.

Dr. Donaldson noted the population of the town has changed. He said subdivisions boomed in the 1990's, noting that those coming to town presently seem to want the community preserved. He said there needs to be a broader plan. Jo said that would appear to be part of the role of a Comprehensive Planning Committee. Gary said the Selectmen are working on getting names for that committee.

Perry Fowler asked if the passage of a Comprehensive Plan alone accomplishes re-zoning the town. Jo said it doesn't – the plan acts as a suggestion for ordinance changes. There was a lengthy discussion about references in the ordinances to "being in conformance with the Comprehensive Plan".

Jo said she hoped that someone from the Planning Board would serve on the committee that will be formed soon to plan for the Comprehensive Plan update. Rev. Holt said he had polled members and had one negative reply.

The two boards discussed what needs to be updated in the comprehensive plan. Dr. Donaldson noted the town's population continues to grow and land is being used up. He said it's a matter of balancing different uses. He said that commercial border with Ellsworth might be an area to re-think about striking a use balance. Rev. Holt said there are issues with waterfront access for shellfish and worm harvesters.

Mr. Fowler said he would like some clarification on what his role as an alternate member involves. There was some discussion about that role. Jo said those appointed to the committee might likely serve on the final comprehensive planning committee, though that is not necessarily true. Cynthia noted the committee is a 1-year job which sunsets at the next annual town meeting. Jo stated she would like the perspective of the Planning Board on the committee. Gary said he expects a fairly diverse committee.

Dr. Donaldson said the discussion about the role of the Planning Board Alternate should not be dropped. He said the Planning Board has, in the past, treated the alternate like a regular member, though they might not vote. There was a discussion about that role, and it was suggested that Maine Municipal Association should be contacted for further clarification.

Dr. Donaldson reminded the Selectmen that the ordinances define how the Planning Board administers the ordinance, but when it comes to enforcement, that is the Selectmen's responsibility. He said if there are concerns, the Planning Board generally will inform the Code Enforcement Officer who would contact the Selectmen. He said that connection has been spongy in the past. He said the Selectmen are generally not up to speed on the permits the Planning Board has issued, and the lack of enforcement can undercut the ordinances. He said the Selectmen and Planning Board must be consistent in how the ordinances are administered. A discussion followed on the Code Enforcement violation process.

Cynthia asked if meeting once a month for the Planning Board was enough. Mr. Bamman said sometimes the Planning Board meets 2-to-3 times a month. Mr. Fowler noted that it takes a lot of time because of the notification and other time frames contained in the ordinances. Cynthia said the Planning Board does a tremendous amount of work. Stu said he was very appreciative of all the work and dedication by the Planning Board. Mike Jordan noted that a lot of work takes place at home when the board reviews applications.

**MUBEC Advisory Vote** – Rev. Holt said he understands the outcome of the town meeting vote was to have the Planning Board recommend changes to the Building and Land Use Ordinance and possibly other ordinances in regard to building standards. He said he asked Maine Municipal Association whether there could be minimal standards or a blanket vote to address the lack of enforcement in the ordinance and was told that a blanket article was a poor idea. A discussion followed about how to deal with the deletion of building standards from the present ordinance. Rev. Holt said the Planning Board agreed that Code Enforcement Officer Michael Jordan and Administrative Assistant Stu Marckoon would do much of the leg work. A discussion followed on the lack of common sense in the MUBEC legislation.

**Resolve supporting young children** – Jo said the resolve that passed at town meeting last month is worthy of discussion to keep small children in mind when developing the updated comprehensive plan or when updating ordinances. Cynthia said it's important to value very young children. She said she envisioned formation of some sort of ad hoc committee to figure out what can be done with no funding that is family friendly. She listed several potential suggestions. Jo asked if that would impact the ordinances and the work of the Planning Board. Cynthia said it could, adding that awareness of issues is important.

Rev. Holt said the Comprehensive Plan could touch on the issue in a broad way, but not much will come of it if there is no advocacy route. He said one goal would be to find out what the town does offer for children. He said he knows there is one playground in town, but he's noticed four in Sullivan. He said children who walk to school have to walk in the road. He said maybe some bike paths would be appropriate. He noted that the library and the YMCA offer some support for children. Stu said he could see this being a major part in the Comprehensive Plan. A discussion followed about the safe routes the school program, playgrounds, and the role the RSU plays in facilities availability. Cynthia said the bottom line is that it's about a community caring about it's kids.

Mr. Bamman said maybe some of the larger projects could include some offsetting mitigation projects geared to children. Rev. Holt suggested sending a letter home with school children to invite parents to discuss small children issues. Cynthia said she would like to see some of the retired population work on the issue.

Dr. Donaldson said there has been discussion in the past about the type of housing that would attract families with children. He said the town should look hard at cluster housing and apartments. A short discussion followed about cluster housing. Cynthia said she

liked the idea of listing what the town does have, what it would like to have, and holding a public forum on the issue.

**Freedom of Access** – Stu said he wanted to remind the board members present about communicating via e-mail in an “ex-parte” manner is a potential violation of the Freedom of Access Act and should be discouraged. A lengthy discussion followed.

**Other** – Mike Jordan said he would not be able to attend the Selectmen’s meeting on Thursday, but he will need to have a Deputy Code Enforcement Officer appointed. Cynthia said the matter should be postponed at that meeting.

Stu said that the vault needs to be emptied because new shelving will be installed on Thursday and asked if any volunteers could help move stuff. Rev. Holt and Dr. Donaldson graciously offered.

There being no further business, the meeting adjourned at 8:30 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen